



State Roles and Responsibilities for Crude Oil by Rail





Office of Governor Brown

Cliff Rechtschaffen

Senior Advisor, Energy and Environment



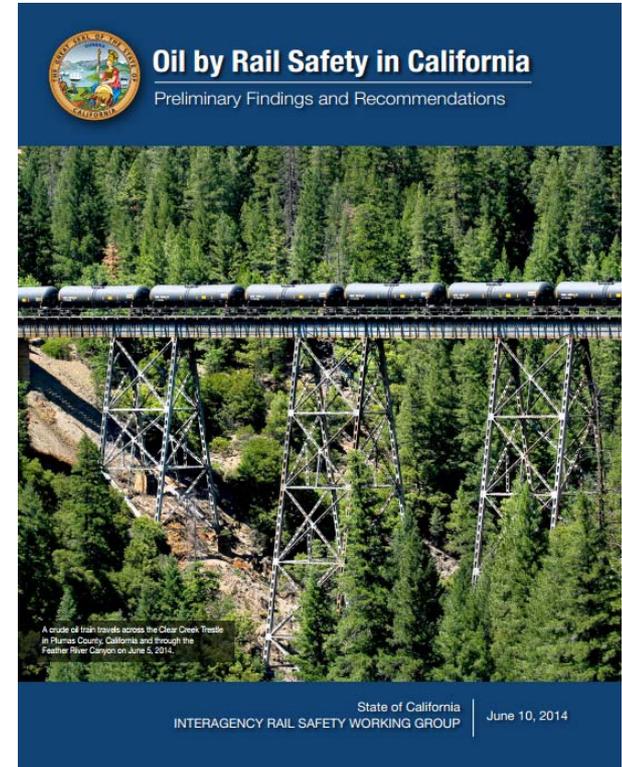


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Interagency Rail Safety Working Group

- California Public Utilities Commission (CPUC)
- Office of Spill Prevention and Response (OSPR)
- California Office of Emergency Services (OES)
- California Environmental Protection Agency (CalEPA)
- Department of Toxic Substances Control (DTSC)
- California Energy Commission (CEC)
- California Natural Resources Agency (CNRA)
- California Office of the State Fire Marshal (OSFM)
- Department of Oil, Gas and Geothermal Resources (DOGGR)





Crude Oil by Rail Increase

- National and California crude-by-rail transport has increased dramatically since 2010 and continues to rise.
- Nationally, rail incidents involving oil increased from several per year prior to 2010 to 155 in 2013, and 90 so far in 2014.
- Rail incidents involving oil in California increased from 3 in 2011 to 36 in 2013, and to 28 so far in 2014.
- Crude oil trains in California will pass through highly populated urban centers and sensitive environmental areas.





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Major Areas of Responsibility

CPUC

- Rail safety at state level (inspections, investigations, risk assessment and analysis)
- Shares authority with federal government to enforce federal rail safety requirements (and state safety rules)

OSPR

- Spill prevention, preparedness and response

OES

- Emergency response and incident coordination





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Interagency Oil by Rail Report

Consensus of expert state agencies, with 12 recommended actions, including:

- Increase in CPUC inspectors (and inspections)
- Expand OSPR Program to cover inland oil
- Provide additional funding for local emergency responders
- Post an interactive, public website depicting rail lines and potential vulnerabilities
- Monitor industry compliance with items in industry Voluntary Agreement
- Review state and federal emergency response plans
- Request “Worst Case Scenario” plans from railroads
- Call on federal government to enhance safety requirements





California Environmental Protection Agency (CalEPA)

Gina Solomon, M.D., M.P.H.

Deputy Secretary for Science and Health





California Public Utilities Commission (CPUC)

Paul King, Ph.D.

Deputy Director, Rail Safety Programs





California Public Utilities Commission

Brief History

- Founded as the California Railroad Commission in 1911
 - Promulgated and enforced state safety regulations since that time
- To recognize other utilities, name was changed to California Public Utilities Commission in 1946
- Began enforcing federal railroad safety regulations in 1981

Railroad Safety Program Mission

To ensure that California communities and railroad employees are protected from unsafe practices on freight and passenger railroads by enforcing rail safety rules, regulations, and inspection efforts; and by carrying out proactive assessments of potential risks before they create dangerous conditions.





California Public Utilities Commission

Railroad Safety Program – Safety Assurance

Shared jurisdiction with the Federal Railroad Administration (FRA):

- CPUC inspectors enforce both state and federal regulations.
- Inspectors federally certified in five disciplines:
 1. Track,
 2. Motive power and equipment,
 3. Operating practices,
 4. Signals and train control,
 5. Hazardous materials.
- CPUC may promulgate regulations where not covered by the FRA, with dubious “essentially local safety hazard” exemption.
- 52 existing total positions, plus 7 new inspectors approved in the 2014-2015 budget.





California Public Utilities Commission



Railroad Safety Program – Risk Assessment & Management

- California PU Code requirements
- Statewide risk assessment after 1991 Dunsmuir derailment, toxic spill (between Redding and Mt. Shasta):
 - 19 hazardous sites identified
 - Regulations adopted
 - Litigation defined federal/state jurisdiction boundaries
 - Some regulations preempted, some affirmed, local safety hazard exemption denied
 - Track-train make-up regulation settlement





California Public Utilities Commission



Crude Oil Recon Team

Purpose

- To proactively monitor crude oil projects before they come online by:
 - Identifying and seeking remediation on all regulated and non regulated potential, perceived and existing risk.
 - Providing independent safety oversight and guidance to the railroads, crude oil rail facilities, and their respective contractors to mitigate identified risks and non-compliant issues.

Focus

- Existing facilities, train movements
- Planned facilities, especially those under construction





California Public Utilities Commission



Interagency Rail Safety Working Group

- Request that DOT move expeditiously to finalize new and retrofitted tank car regulations
- Request that the FRA identify routes that crude oil trains are expected to run on without PTC in California under current requirements and consider requiring the implementation of PTC on these routes
- Request that the FRA require electronically-controlled pneumatic brake technology on crude oil trains
- Clarify incident reporting requirements for the release of hazardous substances by rail
- Request that FRA provide California with normalized data to enable accident and injury analysis
- Monitor and publicly report the extent of railroad compliance with inspection requirements on crude oil





California Public Utilities Commission



Interagency Rail Safety Working Group

- Conduct at least one additional inspection of the crude oil routes each year, consistent with existing inspection requirements
- Request information on, and monitor, the extent to which the railroads have complied with the braking systems request (as outlined in the railroads' Voluntary Agreement)
- Ask the FRA to provide the results of the route analyses (as outlined in the railroads' Voluntary Agreement)
- Complete a survey of speed limits on California railroads and determine whether there are additional areas where lower speed limits might be appropriate and if warranted, petition the FRA to consider additional restrictions
- Develop a proposal for monitoring and enforcing the new speed limits (as outlined in the railroads' Voluntary Agreement)
- Inventory wayside train inspection technology on crude oil shipment routes





California Public Utilities Commission

Participation on the Federal Railroad Administration's Rail Safety Advisory Committee

Purpose: To craft regulations by stakeholder consensus

- CPUC currently represents the Association of State Railroad Safety Managers (ASRM)
- 67 total voting members, consisting of railroads, unions, rail car owners, shippers, chemical industry, plus one state rep for the 30 state/federal participation programs (ASRSM)

Current regulation development tasks: hazmat train securement, minimum crew size, recommendations to PHMSA, video/audio recording devices, rail integrity, fatigue management, and others





Office of Spill Prevention & Response (OSPR)

Thomas Cullen
Administrator





CA Department of Fish & Wildlife Office of Spill Prevention & Response (OSPR)



Mission:

Provide **Best Achievable Protection** of California's natural resources by preventing, preparing for, and responding to spills of oil and other deleterious materials, and by restoring and enhancing affected resources.

- *OSPR is the lead State Agency for oil spill preparedness and response*





CA Department of Fish & Wildlife Office of Spill Prevention & Response (OSPR)



Statewide Oil Spill Program

- Established as part of the 2014 Budget Act
- Creates an integrated marine-inland spill prevention, preparedness & response program
- Provides funds to pay for oil spill cleanup
- Focus will include preparedness for rail, pipeline and production industries
- Promotes effective, timely spill response and cleanup AND restoration of resources damaged by spills





CA Department of Fish & Wildlife Office of Spill Prevention & Response (OSPR)



Prevention

- Verify adequate safety measures and monitoring in place

Preparedness

- Contingency planning
- Regulations development
- Oil Spill Response Organization oversight
- Drills and exercises (industry and agencies)
- Specialized spill response training
- Industry demonstration of financial responsibility (insurance)
- Local Government training and coordination

Response

- Overall incident management (Incident Command)
- Spill cleanup and sensitive site protection
- Oiled wildlife care and restoration
- Investigations (criminal and civil actions)





CA Department of Fish & Wildlife

Office of Spill Prevention & Response (OSPR)

Coordination with Other Agencies

Spill Prevention:

- State Fire Marshal (pipelines), State Lands Commission (terminals), Public Utilities Commission (rail), Division of Oil, Gas, and Geothermal Resources (production)

Spill Preparedness and Response:

- US Coast Guard, National Oceanic and Atmospheric Administration, US EPA, Department of the Interior
- State Parks and Recreation, State Water Resources Control Board, and others
- Local Fire/Hazmat/Health





California Governor's Office of Emergency Services (OES)

Thomas Campbell

Deputy Chief, HazMat
Fire and Rescue Division





California Governor's Office of Emergency Services



Mission:

- Safety for First Responders, Public, Property, and Environment
- Preparedness, Planning, Response, Recovery, Mitigation
- Mutual Aid resource for California





California Governor's Office of Emergency Services



Coordination with Other Agencies

- Warning Center Notification Hub for California
- Provide Mutual Aid Support to Affected Areas
 - » Provide Regional Staff for REOC, SOC, JFO
 - » Provide On-Scene Support; A/C's (Law and Fire), and communications
- Provide subject matter expert to review plans and training on emergency preparedness
- Chair of the State Emergency Response Commission (SERC)
- Certified Unified Program Agencies (CUPA), under CalEPA
- Interagency Rail Safety Working Group





California Governor's Office of Emergency Services



Oil-Related Information Tracked

- Spill reporting database
- CSW collects information from railroads (sends to SERC, CUPA, etc.)
- Regional activities
- Support other state agencies (OSPR, SFM, PUC, Cal EPA, etc.)

Additional Data Needed

- Timely routing and consist information
- 24/7 contact information
- Railroad emergency response capabilities
- Interagency training with railroads





California Governor's Office of Emergency Services



Gaps in Regulatory Authority

- Need an “ALL HAZARDS” management plan for ALL Chemicals, not just oil

Recent Developments

- SB-506, AB-380, SB-1319
- Area plan assessment
- Interagency Rail Safety Working Group





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